

**MEETING MINUTES SUMMARY
GOVERNOR'S MILITARY FACILITIES TASKFORCE
THURSDAY, OCTOBER 30, 2003, 9:30 A.M. TO 1 P.M.
CENTRAL ARIZONA COMMUNITY COLLEGE – CONF. ROOM I211**

INTRODUCTIONS & ROLL CALL

Co-Chair Bob Johnston (Lieutenant General, USMC, Ret.) of Tucson opened the meeting and welcomed the taskforce members and guests to the fifth meeting. Taskforce members were given an opportunity to introduce themselves individually. The remaining taskforce members include: Co-Chair Tom Browning (Brigadier General, USAF, Ret.), Monsignor Richard O'Keeffe of Yuma representing the Army Yuma Proving Grounds and Marine Corps Air Station Yuma, Lisa Atkins of the West Valley representing Luke Air Force Base (AFB), Lori Faeth, Policy Advisor for Natural Resources to the Governor, Gene Santarelli of Tucson representing Davis-Monthan AFB. The taskforce advisor is Patricia Boland from the Attorney General's office. Tom Finnegan, representing Fort Huachuca, monitored the meeting by phone. Steve Thu of Tucson representing the National Guard and Reserve units was absent. Co-Chair Johnston also recognized the elected officials in the audience: Mayor Walkup from the City of Tucson, Mayor Larry Nelson from the City of Yuma, and County Supervisor Lenore Stuart, Chairman of the Board of Supervisors from Yuma County.

**REVIEW AND DISCUSSION OF PRELIMINARY DRAFT
RECOMMENDATIONS - TOM BROWNING**

Based on the actions required by the elected bodies below, Co-chair Tom Browning led a discussion that reviewed the taskforce's draft recommendations on how to ensure the long-term retention of all of Arizona's military facilities.

Recommendation Actions:

- Actions Requiring Executive Direction
- Actions Requiring Legislative Change
- Actions Requiring Congressional Support

Actions Requiring Executive Direction

1) Support Arizona Department of Commerce recommendation to recognize Arizona's military installations and training resources as a separate economic cluster to recognize their value as a foundation of the Arizona economy and fully incorporate them into state and regional economic development planning and marketing.

- One activity: A public education program should be implemented by government, businesses, and other interested parties to inform legislative leaders and the public regarding the importance of military facilities in Arizona

Rationale: Arizona's military industry is an essential component of Arizona's economic fabric. In the 2002 Maguire study on the Economic Impact of Arizona's Principal Military Operations, total employment impact, total output and total annual taxes revenues for Arizona's military industry equaled 83,506 jobs, \$5.66 billion, and \$233.6 million, respectively. The stable nature and high pay scale value of the military jobs make them a fundamental part of Arizona's economy. These are the kinds of jobs that are present in good and bad economic times. Thus, recognizing the military industry as a separate economic cluster in Arizona is critical to the efforts to educate the public about its importance to the fiscal health of Arizona.

2) Recommend development of State revenue source to assist military installation preservation and expansion projects at the local level and installation level.

- In FY 05 divert \$1 million to establish Military Installation Fund (MIF)
- For tax year ending Dec 31, 2004 through tax year 2024, divert 5% of Arizona income tax attributable to military personnel

Rationale: Funding is needed to deal with private property rights of landowners affected by military airports, military facilities and operating areas.

3) Recommend establishment of a permanent body to (i.e. a military affairs commission) to monitor and make recommendations on executive, legislative and federal actions necessary to sustain and grow Arizona's network of military installations, training ranges and airspace.

Rationale: On-going body is needed to oversee the implementation of the recommendations developed by this taskforce.

4) Request State develop a presence in Washington D.C. to help market the importance/capabilities of each of Arizona's installations as a unique network of multi-service bases and monitor and report back to the Governor and a state-level military affairs advisory group on issues impacting these installations.

Rationale: The message about the importance and capabilities of Arizona's military installations as a unique network of multi-service bases that provide training & testing operations critical to our readiness & national defense needs to be carried to D.C. At the same time, information about issues impacting these installations needs to be monitored and carried back to the State so that we have time to respond.

5) Recommend endorsement of the actions of the State Trust Land Reform group to develop a mechanism to allow for the exchange of land in support of planning and disposition of State Trust land in support of the long-term preservation of Arizona's military installations.

Rationale: The mechanism developed for exchanges could help the State deal with land areas impacted by military airports, facilities and operating areas.

6) Recommend that the Governor recognize the current Attorney General's position is clear on ARS 28-8481(k) and that no further action is needed at this time.

Rationale: There has been confusion about whether or not new residential subdivisions are allowed within the noise contours. This confusion arises from the existence of the secondary entry to the use chart contained in A.R.S. 28-8481(k). Some have interpreted this entry to allow subdivisions within the noise contours up to 75 dnl. The Attorney General's Office has made it clear that that is an improper interpretation of the law. This recent position taken by the Attorney General clarifies the intent of this statute, so no further action is needed.

7) Encourage local jurisdictions affected by military installations to take note of innovative approaches used in other locations to deal with land use issues.

Rationale: There are many different approaches being developed by local jurisdictions around the State. Through the identification of best practices, communities and counties statewide can develop approaches that address their unique circumstances in balancing the needs of the community with the maximum mission capability of their military neighbors. Specific strategies may also be appropriate for integration into the organizational or operational structure of various military installations and facilities to enhance local relationships.

8) Recommend the Arizona Department of Real Estate develop a "rule" to strengthen and standardize the notification process for its licensees for properties in the vicinity of military airports, military facilities and operating areas.

Rationale: This will give some standardization in the notification process for buyers of property in areas affected by military airports, facilities and operating areas.

9) Recommend State support and encouragement of the activities of local partnerships among local jurisdictions, impacted communities, state agencies, military installations and various other stakeholders to address military preservation issues at the local level

Rationale: We do not want to create a new body to take the place of partnerships that are already successfully dealing with these issues. We want to offer our support to their efforts. Other local jurisdictions should use the approach of the Upper San Pedro Partnership as a model for addressing growth-related and other issues that may impact Arizona's military facilities.

10) Recommend Arizona Department of Environmental Quality monitors environmental issues impacting military installations and reports the status to a state-level military affairs advisory group on these environmental issues, to include but not limited to water usage in Sierra Vista, development of Best Management Practices for the Yuma area (PM10), designation concerning Tucson and PM10, 8hour ozone development (NO2 Waiver), Endangered Species Act litigation and the BMGR.

Rationale: We do not want to create a new body and the Arizona Department has the expertise to do this type of monitoring and can report their findings to a military affairs commission.

11) Recommend that the Governor reestablish the Governor's Advisory Council on Aviation and direct the Arizona Department of Transportation to secure federal funding to finance detailed analysis and planning for future needs and demands of both military and civil aviation in Arizona.

Rationale: The majority of Arizona's military installations are aviation oriented (i.e. Davis-Monthan Air Force Base, Luke Air Force Base, Marine Corps Air Station Yuma). Availability of airspace is a crucial component of military aviation training. However, the taskforce also recognizes that the needs of civil aviation are growing. An efficient and reliable aviation is a critical element of Arizona's transportation system and the vitality of our State's economy. Aviation's economic impact to Arizona was \$15.1 billion in 1998 and supported over 167,000 jobs with a payroll of \$4.3 billion. Over the next 20 years, the total number of passengers boarding commercial aircraft at Sky Harbor International and Tuscon International is expected to increase by 79 percent. Thus, it is imperative that the State takes an accurate and comprehensive assessment of its airspace capacity and utilization. Then develops plans to address the needs of both the civilian and military aviation community from a strategic standpoint on both a short- and long-term time horizon (i.e. next 20 years) to meet the demands of a growing Arizona.

Actions Requiring Legislative Change

12) Recommend development of State revenue source to assist military installation preservation and expansion projects at the local level and installation level.

- In FY 05 divert \$1 million to establish Military Installation Fund (MIF)
- For tax year ending Dec 31, 2004 through tax year 2024, divert 5% of Arizona income tax attributable to military personnel

Rationale: Funding is needed to deal with private property rights of landowners affected by military airports, facilities and operating areas.

13) Recommend the following revision to the definitions listed in A.R.S. 28-8461.

Current language: "Military airport" means an airport that is operated by an armed force of the United States and that is primarily used for military fixed wing aircraft operations, excluding a runway or airstrip that is not immediately adjacent to facilities primarily used for operational control, maintenance and permanent parking of aircraft.

A. Proposed Revision: "Military airport" means an airport that is operated by an armed force of the United States and that is primarily used for military fixed wing aircraft

operations, excluding a runway or airstrip that is not immediately adjacent to facilities primarily used for operational control, maintenance and ~~permanent~~ parking of aircraft.

Rationale: The original purpose of the statute(s) was to protect military bases from encroachment. This revision would allow the operations at the Gila Bend Auxiliary Field to fall under the definition of a “military airport”.

14) Recommend the following addition to the definitions listed in A.R.S. 28-8461.

Proposed Addition: #21. “Military facilities and operating areas” means heliports, auxiliary fields, ranges, training and testing facilities and military training routes used for military operations conducted by an armed force of the United States.

Rationale: This addition will allow the facilities used for the military operations that do not involve fixed winged aircraft operations to be addressed (i.e rotorcraft such as the F-22 Osprey in operation at MCAS Yuma; Rotary wing aircraft such as the Apache operating at Silverbell and Papago AANG training fields and the U.S. Army Yuma Proving Grounds; and UAVs operating extensively at Fort Huachuca.)

15) Recommend the following revision to A.R.S. 9-461.05C.1. (f).

Current Language: For cities and towns with territory in the vicinity of a military airport as defined in Section 28-8461, includes consideration of military airport operations.

Revision: (f) For cities and towns with territory in the vicinity of a military airport as defined in Section 28-8461, includes consideration of military airport operations, **military facilities and operating areas.**

Rationale: This statute deals with the requirements for local jurisdictions under Growing Smarter. This recommendation is to ensure that the taskforce is providing consistent guidance to applicable legislation with its recommendations.

16) Recommend the following revision A.R.S. 11-806(b)

Current Language: “...For counties with territory in the vicinity of a military airport as defined in section 28-8461, the commission shall also consider military airport operations...”

Revision: “...For counties with territory in the vicinity of a military airport as defined in section 28-8461, the commission shall also consider military airport operations, **military facilities and operating areas...**”

Rationale: This statute also deals with the requirements for local jurisdictions under Growing Smarter. This recommendation is to ensure that the taskforce is providing consistent guidance to applicable legislation with its recommendations.

17) Recommend the following revision to the definitions listed in A.R.S. 28-8461 (8)(b)&(c)

Current Language: (b) “In political subdivisions located in a county...ten thousand four hundred feet.”

(c) “In political subdivisions located in a county with a population of eight...The outer width is seventeen thousand five hundred feet.”

Revision: (b) “In political subdivisions located in a county...within the noise contours established by the most recent air installation compatible use zone report **or the report of a cooperative land use planning effort among affected political subdivisions and the military airport** recognized by the military airport and political subdivisions in that county...ten thousand four hundred feet.”

(c) “In political subdivisions located in a county with a population of eight...within the noise contours established by the most recent air installation compatible use zone report **“or the report of a cooperative land use planning effort among affected political subdivisions and the military airport** recognized by the military airport and political subdivisions in that county...The outer width is seventeen thousand five hundred feet.”

Rationale: In order to re-enforce state code for noise contours and accident potential zones as the minimum standard for compatible land uses around military airports, to provide certainty to affected landowners and allow for potential mission growth, to provide political subdivisions and the military airport, encourage local jurisdictions to adopt more restrictive measures as appropriate

18) Define acreages affected by departure corridors, APZs and high noise areas in sufficient detail for land use determination; Formally incorporate these acreages into State statutes and local ordinances for planning and zoning purposes

Rationale: This is necessary for to determine land use and to determine the potential cost of compensating affected landowners.

19) Recommend a revision to ARS 28-8461 for a repeal of the post-action reporting requirement of local jurisdictions in the vicinity of a military airport to the Attorney General’s Office.

Rationale: The current procedure for determination of compliance with the state’s statutes on compatibility requires post-action reporting. The obvious disadvantage to that procedure is that the Attorney general’s Office is not aware of any violation until after it has taken place. This could result in the creation of vested rights when pre-action could have prevented that creation. Any planning or zoning decisions within the noise contours or the accident potential zones should require a letter of compliance from the state before they may be approved by the local jurisdiction. This function should be placed with the

Department of Commerce with the Attorney General's acting as its legal counsel. The Department of Commerce is the logical place for this function because of its involvement with the past land use compatibility studies and the Growing Smarter legislation. The Department of Commerce and the Attorney General's Office should each be given a new full time employee to perform the functions. The legislature would need to fund those positions.

20) Recommend the following revisions to ARS 9-461.06(D) (new section D with subsequent sections being re-lettered)

If the general plan or portion, element or major amendment of the general plan is applicable to territory in the vicinity of **military airports, military facilities and operating areas** as defined in Section 28-8461, the Department of Commerce or any other state agency designated as the planning agency for the state must determine compliance with Section 28-8481 and Section 28-8482 before the general plan or a portion, element or major amendment may be adopted.

Rationale: The current procedure for determination of compliance with the state's statutes on compatibility requires post-action reporting. The obvious disadvantage to that procedure is that the Attorney general's Office is not aware of any violation until after it has taken place. This could result in the creation of vested rights when pre-action could have prevented that creation. Any planning or zoning decisions within the noise contours or the accident potential zones should require a letter of compliance from the state before they may be approved by the local jurisdiction. This function should be placed with the Department of Commerce with the Attorney General's acting as its legal counsel. The Department of Commerce is the logical place for this function because of its involvement with the past land use compatibility studies and the Growing Smarter legislation. The Department of Commerce and the Attorney General's Office should each be given a new full time employee to perform the functions. The legislature would need to fund those positions.

21) Recommend the following revisions to ARS 11-806.(H) (new section H)

If the comprehensive plan or portion, element or major amendment of the comprehensive plan is applicable to territory in the vicinity of **military airports, military facilities and operating areas** as defined in Section 28-8461, the Department of Commerce or any other state agency designated as the planning agency for the state must determine compliance with Section 28-8481 and Section 28-8482 before the comprehensive plan or a portion, element or major amendment may be adopted.

Rationale: The current procedure for determination of compliance with the state's statutes on compatibility requires post-action reporting. The obvious disadvantage to that procedure is that the Attorney general's Office is not aware of any violation until after it has taken place. This could result in the creation of vested rights when pre-action could have prevented that creation. Any planning or zoning decisions within the noise contours or the accident potential zones should require a letter of compliance from the state before

they may be approved by the local jurisdiction. This function should be placed with the Department of Commerce with the Attorney General's acting as its legal counsel. The Department of Commerce is the logical place for this function because of its involvement with the past land use compatibility studies and the Growing Smarter legislation. The Department of Commerce and the Attorney General's Office should each be given a new full time employee to perform the functions. The legislature would need to fund those positions.

22) Mandate that heliports and/or parent military installation of military facilities and operating areas and local jurisdictions agree on land uses that are compatible with the existence of all military facilities and operating areas.

Rationale: Since there is nothing currently in statute to allow for protections of military facilities and operating areas, we would like to see local jurisdictions and military installations work together to develop compatible land use planning procedures.

23) Mandate that heliports and/or parent military installation of military facilities and operating areas and local jurisdictions develop the appropriate "vicinity boxes" for notification of purchasers of property in areas affected by military facilities and operating areas. (Applies only to areas that do not already have a vicinity area defined)

Rationale: Since there is nothing currently in statute to require notification in areas affected by military facilities and operating areas. We would like to see local jurisdictions and military installations work together to develop the vicinity boxes that are needed.

24) Expand current county planning and zoning authority to enable them to better manage growth and development in areas impacted by military airports, military facilities and operating areas including impact of lot splits and to allow the transfer of development rights

Rationale: This recommendation, in addition to bringing county planning and zoning authority up to date and more in line with city authority, will aid in the protection of military airports, facilities and operating areas.

25) Strengthen current notification procedures and standardize them to enhance the notification process for all buyers, renters and leasers of property in the vicinity of a military airport. (This will require a statutory change.)

Rationale: This is needed to ensure that these notification requirements run with the land so that all subsequent buyers are aware that homes are in the vicinity of a military airport and to ensure consistency across jurisdictions.

Actions Requiring Congressional Support

26) Recommend to the Arizona Congressional Delegation that enabling legislation be drafted and enacted within the 108th Congress that would mandate the Bureau of

Land Management (BLM) move forward in a timely and expeditious manner with the acquisition of private lands through an exchange process, on a willing seller basis, which would protect and enhance operations at military installations within the State of Arizona.

Rationale: Additionally, while the BLM has authority under the Federal Land Policy and Management Act of 1976 to sell lands, that the proposed legislation include provisions to allow the BLM to use the proceeds from such sales within the State of Arizona to purchase private lands, on a willing seller basis, which may be identified as necessary to protect long-term mission viability at military installations in Arizona. We also recommend that the legislation include such provisions as may be necessary to allow for the condemnation of those significant acres of state trust lands which are located within areas of special federal designation to be transferred for all or a portion of those lands legislatively authorized and acquired by the BLM in the vicinity of military installations.

At the conclusion of this portion of the meeting, Co-Chair Johnston asked taskforce members as well as interested groups in the audience to review these draft recommendations and provide the taskforce their comments.
(See special note below to request a copy of presentation slides)

DISCUSSION ABOUT PROCESS FOR RECEIPT OF FEEDBACK ON DRAFT RECOMMENDATIONS

Here are the options discussed for receipt of feedback on the draft recommendations mentioned above.

- 1) Fill out an on-line feedback form: <http://www.governor.state.az.us/mft/index.html>
- 2) Send an email to tbrowning@az.gov
- 3) Send a fax to the Governor's Military Facilities Taskforce at (602) 542-7601

Deadline is Noon on Friday, November 14, 2003

CALL TO THE PUBLIC

Co-Chair Bob Johnston made a call to the public. There were two speakers during the public comment period: Rusty Mitchell from the Encroachment Team at Luke AFB and Stephen Cleveland, City Manager for the City of Goodyear.

Since there was no further business, the meeting was adjourned at 2pm.

NEXT MEETING:

The next Governor's Military Facilities Taskforce meeting is scheduled for Tuesday, November 18th, from 9:30am to 1pm at the Central Arizona College (Room M101), 8470 N. Overfield Road, Coolidge, AZ 85228.

Special Note: Electronic copies of the presentations or any other materials noted above are available on request. Please contact Dion Flynn at (602) 542-7007 or send an email to dflynn@az.gov.

For additional information about the Governor's Military Facilities Taskforce, checkout our web page at <http://www.governor.state.az.us/mft/index.html>